

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
Civil Action Number 4:24-CV-00051-M-RN**

<b>CYNTHIA B. AVENS</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>RESPONSE IN OPPOSITION TO</b>
	)	<b>PLAINTIFF’S MOTION TO STRIKE</b>
<b>FARIS C. DIXON, JR., DISTRICT</b>	)	
<b>ATTORNEY, PITT COUNTY</b>	)	
<b>MEMORIAL HOSPITAL, INC., DR.</b>	)	
<b>KAREN KELLY, MEDICAL EXAMINER,</b>	)	
<b>JOHN/JANE DOE, and JOHN/JANE DOE,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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Defendant Pitt County Memorial Hospital, Inc. d/b/a ECU Health Medical Center (“ECU Health”) respectfully submits this Response in Opposition to Plaintiff Cynthia B. Avens’ (“Avens”) Motion to Strike. (D.E. 61.)

**ARGUMENT**

Consistent with Local Rule 7.1(g) and Local Rule 5.1(f)(2), ECU Health’s Reply in Support of its Motion to Dismiss Plaintiff’s Amended Complaint (the “Reply”) was timely filed within fourteen days after the date of the Notice of Electronic Filing for Avens’ Response in Opposition to ECU Health’s Motion to Dismiss (*i.e.*, August 6, 2024). While Avens takes issue with the substantive content of ECU Health’s Reply,<sup>1</sup> she does not otherwise endeavor to identify a basis for striking the Reply.

**CONCLUSION**

ECU Health respectfully requests that the Court deny Avens’ Motion to Strike.

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<sup>1</sup> Undersigned counsel stands by the representations and arguments set forth in the Reply.

Respectfully submitted, this the 3rd day of September, 2024.

**K&L GATES LLP**

/s/ Daniel D. McClurg

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon all counsel of record via the Clerk of Court's ECF system and upon Plaintiff Cynthia B. Avens via U.S. Mail, postage prepaid, at the address listed below, this September 3, 2024:

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